

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAMSEY RANDALL,
Petitioner,

v.

MICHAEL ZAKEN, et al.,
Respondents.

CIVIL ACTION

NO. 23-1389

ORDER

AND NOW, this 16th day of July, 2024, upon thoughtful and independent consideration of Petitioner Ramsey Randall’s pro se petition for writ of habeas corpus under 28 U.S.C. § 2254 (ECF No. 11) (the “Petition”), the government’s response in opposition to the Petition (ECF No. 29), the Petitioner’s request for emergency injunctive relief (ECF No. 46), and after de novo review of United States Magistrate Judge Elizabeth T. Hey’s Report and Recommendation (ECF No. 45), and the Petitioner’s objection thereto (ECF No. 47), **IT IS HEREBY ORDERED** as follows:

1. The Petitioner’s objections to the Report and Recommendation (ECF No. 47) are **OVERRULED**;
2. Judge Hey’s Report and Recommendation (ECF No. 45) is **APPROVED** and **ADOPTED**;
3. The Petition (ECF No. 11) is **DISMISSED** without prejudice;
4. Petitioner’s request for emergency injunctive relief (ECF No. 46) is **DENIED AS MOOT**;
5. There is no plausible basis for the issuance of a certificate of appealability; and ¹
6. The Clerk of Court is **DIRECTED** to remove this case from suspense and mark this case as **CLOSED**.

BY THE COURT:

/s/ **Hon. Kelley B. Hodge**

HODGE, KELLEY B., J.

¹ In determining whether a certificate of appealability (COA) should be issued, “When the district court denies a habeas petition on procedural grounds without reaching the prisoner’s underlying constitutional claim, a COA should issue (and an appeal of the district court’s order may be taken) if the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. Warden*, 529 U.S. 473,473 (2000). In adopting the Report and Recommendation, the Court concurs with Judge Hey’s conclusion that “[t]here has been no substantial showing of the denial of a constitutional right requiring the issuance of a certificate of appealability.” (ECF No. 45 at 8.)